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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,035	10/28/2003	Arkady Ten	1037-054US01	5668

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PATENT LEGAL STAFF  
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ROCHESTER, NY 14650-2201

EXAMINER

RAHMJOO, MANUCHER

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/695,035

Applicant(s)

TEN, ARKADY

Examiner

Mike Rahmjoo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 18-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/12/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**  
***Election/Restrictions***

Applicant's election with traverse of Invention I (claims 1- 9 and 18- 28) in the reply filed on 04/21/2005 is acknowledged. The traversal is on the ground(s) that claims forming parts of invention I and invention II both refer to multiple color channels and a light source and light valve. This is not found persuasive because independent claim 1 has the elements "measuring a cumulative emission spectrum" and "calculating a light leakage spectrum" and 18 the elements "determining a single channel emission spectrum" which corresponds to recited limitations with claim 1. Said features are not seen as being claimed with that of claim 10 and therefore hold the restriction requirement as being proper.

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1- 9, and 18- 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1 line 3 recites "...maximum level...". It is not made clear what level is being referred to or what the levels may be.

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As per claim 1 line 4 recites "...the other color channels at minimum levels...". It is not made clear what levels are being referred to or what the levels may be.

As per claim 1 line 12 recites "...the other color channel..." it is not clear which other color channel is being referred to (maximum or minimum).

Claim 1 recites the limitation "...the respective color..." in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "...the other color..." in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "...the light sources..." in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "...the respective color channels..." in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claims 2- 9 are indefinite because they depend on indefinite antecedent claims.

Claim 18 recites the limitation "...the respective color..." in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claims 19 – 24 are indefinite because they depend on indefinite antecedent claims.

Claims 25- 28 have similar rejections.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18 – 20 and 22- 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Rawicz et al (US Patent 611650), hereinafter, Rawicz.

As per claim 18 and as to the broadest reasonable interpretation by examiner, Rawicz teaches determining a single-channel emission spectrum for each of a plurality of color channels of a display based on a measured emission spectrum and a light leakage spectrum for the respective color channel see for example the abstract and column 5 lines 1- 25 for the measuring step 12 and for measuring of the tooth illuminated by polychromatic light and the well determined wave length.

As per claim 19 Rawicz teaches calculating the light leakage spectrum based on a measured emission spectrum for the display at a minimum level and assumed emission spectra for light sources within the display see for example column 5 lines 20- 30 for calculation of the pigmentation values with the assumed brightness corresponding to assumed emission spectra of light.

As per claim 20 Rawicz teaches assuming the emission spectrum for the light source using a color channel reconstruction method see for example the abstract and column 5 lines 1- 30.

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As per claim 22 Rawicz teaches the respective color channel at a maximum level and the other channels at minimum levels see for example column 5 line 15 for the maximum level and column 5 line 54 for the minimum level.

As per claim 23 Rawicz teaches the plurality of color channels comprises a red channel, a green channel, and a blue channel see for example column 5 lines 1- 15.

As per claim 24 and as to the broadest reasonable interpretation by examiner, Rawicz teaches a liquid crystal display (LCD) see for example figure 5 output 52.

### ***Allowable Subject Matter***

Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1- 9 and 25- 28 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure; US PAP 2002/0171794, 2004/0141967, 2003/0156238, 2002/0030776, and 2003/0193511.

US Patent 6459425 teaches methods provided for maintaining calibration of a color display using a color measuring instrument and checking the calibration of a color measurement instrument having a spectrograph for measuring color;

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US Patent 6853387 teaches a calibration system operable to determine the luminance of the display based upon the information gathered by the photodetector and a software module included in the calibration system operable to process the luminance information in order to adjust the flat panel display;

US Patent 6559826 teaches the luminance output of the lamps of the flat panel monitor is tracked (measured) with luminance or colorimetric measuring devices and the luminance data are used in determining the correlation between voltage settings of the lamps and the color characteristics of the display such as color temperature thereby measuring the luminance of the display periodically, such that a precise and accurate color profile of the flat panel display can be maintained (color compensated);

US Patent 6717625 teaches a projector generating a number of light beams of different color, characterized in that the projected picture is automatically adjusted during normal use of the projector.

### Inquiry

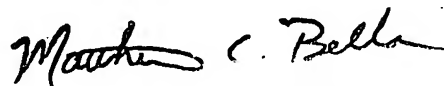
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is (571) 272-7789. The examiner can normally be reached on 6:30- 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272- 7778. The fax phone number for the organization where this application or proceeding is assigned is (703) 872- 9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-4357.

Mike Rahmjoo

May 18, 2005



MATTHEW C. BELLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600